R E M A R K S

                Independent Claims 1, 12, and 23 have been amended. Accordingly, claims 1 to 23 remain pending in the present application.

                Claims 1-3, 5, 9, 11-14, 16, 20, 22, and 23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,560,231 to *Kawakami et al.* (hereinafter *"Kawakami"*). Applicants respectfully traverse these rejections. Applicants' claims are directed towards sharing network processor memory bandwidth among multiple ports and/or data types transmitted over the ports. In contrast, the *Kawakami* reference appears to describe a single ATM port or virtual pipe (VP) and how to share the bandwidth of the VP among many virtual connections (VCs) and quality classes. The bandwidth bottleneck described in *Kawakami* is the bandwidth of the port or link (to the next network chip) not the memory bandwidth of a network processor sending data over ports. Therefore, the Applicants respectfully request that the rejections of Claims 1-3, 5, 9, 11-14, 16, 20, 22, and 23 be withdrawn.

                Claims 6, 7, 17, and 18 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,549,515 to *Sourani et al.* (hereinafter *"Sourani"*). Applicants respectfully traverse these rejections. Claims 6, 7, 17, and 18 recite determining an amount of bandwidth allocated to a plurality of active ports of a plurality of data types. Applicants submit that *Sourani* does not disclose this feature. In maintaining the rejection, the Office Action indicates that *Sourani* discloses "establishing a network instantaneous demand for bandwidth by calculating the total number of bits required for the operative algorithims (data types) in all the active channels. *See e.g.,* page 4 of the Office Action. The Applicants respectfully submit that this does not refer to determining "an amount of bandwidth allocated to a plurality of active ports of a plurality of data

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types." Instead, this refers determining the instantaneous load on a bearer 27 based on algorithms currently in use at channels 23. The bearer 27 is not a plurality of active ports. *Sourani* does not disclose all the features of claims 1 and 12 and cannot disclose all the features recited in claims 7 and 18. Therefore, the Applicants respectfully request that the rejections of Claims 6, 7, 17, and 18 be withdrawn.

Regardless of the above distinctions and solely to expedite prosecution, Applicants have amend the independent claims herein to make explicit that which was previously implicit. Namely, the claims have been amended to clarify that Applicants invention is directed toward sharing network processor memory bandwidth among multiple ports and/or data types transmitted over the ports. Specifically, the independent claims have each been amended to recite "determining an amount of memory bandwidth of a network processor allocated among a plurality of data types used to transmit data through a plurality of active ports" or the like. The Applicants respectfully submit that neither *Kawakami* or *Sourani* disclose these features. Therefore, Claims 1, 12, and 23 as amended are patentable over the cited references and the Applicants respectfully request that the rejection be withdrawn. Likewise, claims 2 to 11 and 13 to 22, which variously depend from claims 1 and 12, are patentable over *Kawakami* for at least the same reasons.

Furthermore, claims 1–3, 6–9, 11–14, 17–20, 22, and 23 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0017781 to *Alferness et al.* (hereinafter "*Alferness*"). The Applicants anticipate being able to make an appropriate showing under either 37 CFR 1.131 or 1.131, to eliminate *Alferness* as prior art if necessary. However, Applicants do not believe such showing is necessary at this time based upon the Examiner's untenable rejection, but

reserve the right to make such showing if the Examiner maintains his rejection based on *Alferness*.

Regarding claims 1-3, 6-9, 11-14, 17-20, 22, and 23, these claims are patentable over the cited reference for the following reasons. As detailed above, Claim 1 as amended recites "determining an amount of memory bandwidth of a network processor allocated among a plurality of data types used to transmit data through a plurality of active ports" while Claims 12 and 23 include similar features. The Applicants submit that *Alferness* does not disclose this feature. Therefore, Claims 1, 12, and 23, along with claims 2, 3, 7-9, 11, 13, 14, 18-20, and 22 which variously depend there from, are patentable over *Alferness* and the Applicants request that the rejection be withdrawn.

Claims 4, 10, 15, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Kawakami*. As discussed above, *Kawakami* does not disclose all the features recited in Claims 1 and 12, the base claims from which Claims 4, 10, 15, and 21 variously depend. Similarly, *Kawakami* does not suggest all the features recited in claims 1 and 12. Therefore, Claims 4, 10, 15, and 21 are patentable over the cited reference and the Applicants respectfully request that the rejection be withdrawn.

Claims 8 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Sourani*. As discussed above, *Sourani* does not disclose all the features recited in Claims 1 and 12, the base claims from which Claims 8 and 19 variously depend. Furthermore, *Sourani* does not suggest all the features recited in Claims 1 and 12. As such, Claims 8 and 19 are patentable over *Sourani* and the Applicants request that the rejection be withdrawn.

For the above reasons, the Applicants respectfully submit that independent Claims 1, 12 and 23 are patentable over the cited references. Claims 2-11 and 13-22 which depend respectively there from are submitted as being allowable for at

least the same reasons. Passage to issue is respectfully solicited.

The Applicants do not believe any fees are due regarding this amendment. If any fees are required, however, please charge Deposit Account No. 04-1696. The Applicants encourage the Examiner to telephone the Applicants' attorney should any issues remain.

Respectfully Submitted,

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Dated: January 15, 2007
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